

MARTIN,TERMED

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 6,1 (Chicago)
CIVIL DOCKET FOR CASE #: 1:13-cv-04629

Green v. Barden et al
Assigned to: Honorable Milton I. Shadur
Demand: \$100,000
Cause: 28:1983 Civil Rights

Date Filed: 06/24/2013
Date Terminated: 12/03/2013
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**Randy T Green**

represented by **Anna Elizabeth Morrison-Ricordati**
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Chicago, IL 60602
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**Chad Barden**
(Star #121)

represented by **Elisha S. Rosenblum**
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Defendant

The Village of South Holland
administrator
 Village of South Holland, an Illinois
 Municipal Corporation

represented by **Elisha S. Rosenblum**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bhairav Radia
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

**Other Unknown/Unidentified Officers or
 Officials, Individually, and as agents of
 South Holland**

Date Filed	#	clear	Docket Text
06/24/2013	1	<input type="checkbox"/>	COMPLAINT filed by Randy T Green; Jury Demand. Filing fee \$ 400, receipt number 0752-8479041. (Attachments: # 1 Exhibit Ex 1, # 2 Exhibit Ex 2, # 3 Exhibit Ex 3, # 4 Exhibit Ex 4, # 5 Exhibit Ex 5, # 6 Exhibit Ex 6)(Morrison-Ricordati, Anna) (Entered: 06/24/2013)
06/24/2013	2	<input type="checkbox"/>	CIVIL Cover Sheet (Morrison-Ricordati, Anna) (Entered: 06/24/2013)
06/24/2013	3	<input type="checkbox"/>	ATTORNEY Appearance for Plaintiff Randy T Green by Anna Elizabeth Morrison-Ricordati (Morrison-Ricordati, Anna) (Entered: 06/24/2013)
06/24/2013			CASE ASSIGNED to the Honorable Milton I. Shadur. Designated as Magistrate Judge the Honorable Daniel G. Martin. (nsf,) (Entered: 06/25/2013)
06/25/2013			SUMMONS Issued as to Defendants Chad Barden, Village of South Holland (jn,) (Entered: 06/25/2013)
07/08/2013	4	<input type="checkbox"/>	SUMMONS Returned Executed by Randy T Green as to Chad Barden on 7/1/2013, answer due 7/22/2013; The Village of South Holland on 7/1/2013, answer due 7/22/2013. (Morrison-Ricordati, Anna) (Entered: 07/08/2013)
07/15/2013	5	<input type="checkbox"/>	ATTORNEY Appearance for Defendants Chad Barden, The Village of South Holland by Elisha S. Rosenblum (Rosenblum, Elisha) (Entered: 07/15/2013)
07/15/2013	6	<input type="checkbox"/>	ATTORNEY Appearance for Defendants Chad Barden, The Village of South Holland by Bhairav Radia (Radia, Bhairav) (Entered: 07/15/2013)
07/16/2013	7	<input type="checkbox"/>	MOTION by Defendants Chad Barden, The Village of South Holland for extension of time <i>to Answer or Otherwise Plead</i> (Rosenblum, Elisha) (Entered: 07/16/2013)
07/16/2013	8	<input type="checkbox"/>	NOTICE of Motion by Elisha S. Rosenblum for presentment of extension of time 7 before Honorable Milton I. Shadur on 7/19/2013 at 09:15 AM. (Rosenblum, Elisha) (Entered: 07/16/2013)
07/18/2013	9		MINUTE entry before Honorable Milton I. Shadur: Defendants' motion for enlargement of time to answer or otherwise plead 7 is granted to and including 8/23/2013. No appearance necessary on 7/19/2013. Initial status hearing set for 8/27/2013 at 9:00 A.M. Mailed and telephoned notice by judge's staff. (srb,)

			(Entered: 07/19/2013)
07/30/2013	10	<input type="checkbox"/>	REPORT of Rule 26(f) Planning Meeting (Morrison-Ricordati, Anna) (Entered: 07/30/2013)
07/30/2013	11	<input type="checkbox"/>	JOINT CONSENT to Exercise of Jurisdiction by a United States Magistrate Judge (Morrison-Ricordati, Anna) (Entered: 07/30/2013)
07/31/2013	12	<input type="checkbox"/>	Withdrawal of Consent by Randy T Green (Morrison-Ricordati, Anna) (Entered: 07/31/2013)
08/13/2013	13	<input type="checkbox"/>	MOTION by Plaintiff Randy T Greenchange initial status date (Morrison-Ricordati, Anna) (Entered: 08/13/2013)
08/13/2013	14	<input type="checkbox"/>	NOTICE of Motion by Anna Elizabeth Morrison-Ricordati for presentment of motion for miscellaneous relief 13 before Honorable Milton I. Shadur on 8/20/2013 at 09:15 AM. (Morrison-Ricordati, Anna) (Entered: 08/13/2013)
08/14/2013	15		MINUTE entry before Honorable Milton I. Shadur: Plaintiff's motion to change initial status date 13 is granted. Status hearing set for 8/27/2013 is stricken and reset to 9/11/2013 at 9:15 A.M. No appearance necessary on 8/20/2013. Mailed notice by judge's staff. (srb,) (Entered: 08/14/2013)
08/23/2013	16	<input type="checkbox"/>	MOTION by Defendants Chad Barden, The Village of South Holland for extension of time to file answer (Rosenblum, Elisha) (Entered: 08/23/2013)
08/23/2013	17	<input type="checkbox"/>	NOTICE of Motion by Elisha S. Rosenblum for presentment of motion for extension of time to file answer 16 before Honorable Milton I. Shadur on 8/29/2013 at 09:15 AM. (Rosenblum, Elisha) (Entered: 08/23/2013)
08/23/2013	18	<input type="checkbox"/>	NOTICE of Motion by Elisha S. Rosenblum for presentment of motion for extension of time to file answer 16 before Honorable Milton I. Shadur on 9/4/2013 at 09:15 AM. (Rosenblum, Elisha) (Entered: 08/23/2013)
09/03/2013	19	<input type="checkbox"/>	MINUTE entry before Honorable Milton I. Shadur: Defendants' unopposed motion for extension of time to answer or otherwise plead 16 to plaintiff's complaint is granted to and including 9/10/2013. No appearance necessary on 9/4/2013. Status hearing set for 9/11/2013 at 9:15 a.m. to stand. Mailed and telephoned notice by judge's staff. (srb,) (Entered: 09/04/2013)
09/09/2013	20	<input type="checkbox"/>	<i>Defendants'</i> ANSWER to Complaint with Jury Demand by Chad Barden, The Village of South Holland(Rosenblum, Elisha) (Entered: 09/09/2013)
09/11/2013	21	<input type="checkbox"/>	MINUTE entry before Honorable Milton I. Shadur: Status hearing held on 9/11/2013 and continued to 12/5/2013 at 9:00 a.m. Defendants' three affirmative defenses are withdrawn without prejudice. Mailed notice by judge's staff. (srb,) (Entered: 09/12/2013)
11/21/2013	22	<input type="checkbox"/>	Acceptance of Rule 68 Offer of Judgment by Randy T Green (Attachments: # 1 Exhibit Ex 1)(Morrison-Ricordati, Anna) (Entered: 11/21/2013)
11/21/2013	23	<input type="checkbox"/>	NOTICE by Randy T Green re other 22 (Morrison-Ricordati, Anna) (Entered: 11/21/2013)
12/03/2013	24	<input type="checkbox"/>	MINUTE entry before the Honorable Milton I. Shadur: This Court accepts plaintiff's notice of acceptance of the Rule 68 offer of judgment and enters judgment on behalf of the plaintiff in the amount of \$75,000.00. The Clerk is

			directed to enter judgment. Status hearing set for 12/5/2013 is vacated. Civil case terminated. Mailed notice by judge's staff. (srb,) (Entered: 12/03/2013)
12/10/2013	25	<input type="checkbox"/>	FULL SATISFACTION of Judgment in the amount of \$75,000.00 (Morrison-Ricordati, Anna) (Entered: 12/10/2013)
12/10/2013	26	<input type="checkbox"/>	NOTICE by Randy T Green re satisfaction of judgment 25 (Morrison-Ricordati, Anna) (Entered: 12/10/2013)

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Billable Pages:	3	Cost:	0.30

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

Randy T. Green,)	
Plaintiff)	
v.)	
)	
The Village of South Holland, Officer)	
Chad Barden (Star #121), along with)	
Other Unknown/Unidentified Officers or)	
Officials, Individually, and as agents of)	
South Holland,)	
)	
Defendants.)	JURY TRIAL DEMANDED

COMPLAINT

NOW COMES Plaintiff, RANDY T. GREEN (Randy Green), by his attorney, AMR Law Group, LLC, and complaining of Defendants, the VILLAGE OF SOUTH HOLLAND, the Village of South Holland Police Officer CHAD BARDEN, and OTHER UNKNOWN/UNIDENTIFIED OFFICERS OR OFFICIALS of the Village of South Holland.

Introduction

1. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff's rights as secured by the United States Constitution, among other claims.

Jurisdiction and Venue

2. This Court has jurisdiction of the action pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1367, and venue is proper under U.S.C. §1391(b). On information and belief, all parties reside in this judicial district, and the events giving rise to the claims asserted herein occurred within this judicial district.

The Parties

3. Plaintiff, Randy Green, resides in South Holland, Cook County, Illinois.

4. Defendant Officer Chad Barden (#121), sued herein in his individual and official capacity, is a police officer employed at all relevant times by the Village of South Holland, Illinois. At all times relevant hereto, Defendant Chad Barden was acting under color of law and/or within the scope of his employment as a police officer for the Village of South Holland.

5. Other unknown/unidentified Officers of the Village of South Holland Police Department or Officers of the Village of South Holland are sued herein in their individual and official capacities as employed by and/or acting at all relevant times for the Village of South Holland. At all relevant times these officers or officials were acting under color of law and/or within the scope of their employment as officers or officials for the Village of South Holland.

6. Defendant Village of South Holland is a municipal corporation located in Cook Count and incorporated under the laws of the state of Illinois that operates the South Holland Police Department, and, at all times relevant to the events complained of herein, was the employer of Defendant Chad Barden (#121) and the other unknown/unidentified Officers of the Village of South Holland Police Department or Officers of the Village of South Holland. The Village of South Holland is sued pursuant to the doctrine of respondeat superior on the pendant state law claims.

Background

7. On Sunday, July 22, 2012, two South Holland Police Officers arrived in separate vehicles at the home of Randy Green between 9-10 am, to investigate a purported dog off-leash (at large).

8. Upon information and belief, a caller had identified the dog at large as “a big old

gray dog runnin' around." The caller made no mention of the dog being dangerous, vicious, or aggressive.

9. Upon information and belief, the information conveyed by a dispatcher to one or more South Holland Officers was the report of a "large gray dog" at large.

10. The two South Holland Officers arrived while Plaintiff Randy Green and his family were asleep inside of their home, and where Mr. Green's Cane Corso dog, Grady, was sitting on the front porch.

11. Upon information and belief, the chain holding Grady in the Green family backyard had popped allowing Grady to be off leash on and around Mr. Green's residence.

12. Both South Holland Officers were equipped with dog catching poles in the trunks of their vehicles, but neither attempted to use the dog catching poles to capture the purported dog at large.

13. South Holland Officer Chad Barden stood, with his gun drawn, near the Green family home while the dog Grady sat on the front porch.

14. The accompanying South Holland Officer stood, leaning against his own police vehicle, approximately 100 feet away from Officer Chad Barden.

15. The dog Grady walked past both Officers on more than one occasion without incident, thereafter lazily returning to the front porch of the Green residence.

16. At no time did the dog Grady make physical contact with either Officer.

17. The South Holland Police Officers stood outside of the Green family home for approximately twenty minutes.

18. At this time, the dog Grady approached Officer Barden again as he was standing nearest the Green family home.

19. Shortly thereafter, Officer Barden shot the dog Grady three times for no reason.

20. Two neighbors witnessed the interactions between Grady and Officer Barden.

Both saw no reason for either South Holland Officer to have shot Grady.

21. Just prior to the shooting, Randy Green's wife answered a phone call from a dispatcher alerting her to the fact that Grady was off-leash and that South Holland Police were present. She begged the dispatcher not to let the Officers shoot Grady and immediately woke Randy.

22. Prior to being shot by Officer Barden, the dog Grady had not aggressively bitten, attacked, endangered, or inflicted severe injury on a human being on public or private property.

23. Prior to being shot by Officer Barden, the dog Grady had not chased or approached any person upon the street, sidewalks, or any public grounds in a menacing or apparent attitude of attack.

24. The dog Grady has no history of aggression, attacks or bites.

25. The dog Grady had prior positive interactions with children.

26. The dog Grady had passed the Mr. K-9 dog training classes at Loubell's Kennels in South Holland.

27. The dog Grady is (and was) not a "dangerous dog" pursuant to the Village of South Holland's Ordinance No. 2003-28, Article II, Section 5-32, on that day or any other.

28. Video Surveillance footage from the Green family residence revealed the absence of any charging, lunging or showing of teeth by the dog Grady and instead showed the dog Grady seeking "greater distance between the officer and himself," displaying "calming [body] signals" by "looking away from the officers and showing his [Grady's] flank," and moving in a "trot." See, 10.09.12 Expert Report, attached as Exhibit 1.

29. After being shot, Grady ran to the back of the Green family home.

30. Randy Green rushed outside to help his injured dog.

31. While Randy Green was loading the badly injured dog into his vehicle, Randy Green was approached by a different South Holland Police Officer, who gave Randy Green a number to call.

32. Immediately thereafter, Randy and his wife took Grady to an emergency veterinary facility where Grady was treated. See, Veterinary Receipts, attached as Exhibit 2.

33. Shortly after Randy Green and his wife left, South Holland Police Officers walked onto the residential property of Randy Green, including his backyard and other private areas near his home.

**Count I – 42 U.S.C. Sec. 1983: Fourth Amendment Violation
(Against Officer Barden and Other Unknown Police Officers)**

34. Each of the preceding Paragraphs is incorporated as if fully set forth herein.

35. As described in the preceding paragraphs, the conduct of the South Holland Police Officers, and in particular Officer Barden, acting under color of law, by shooting Randy Green's dog and thereafter entering onto the curtilage of Mr. Green's home, constituted a search and seizure in violation of the United States Constitution.

36. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally and with willful indifference to Plaintiff's Constitutional rights.

37. The misconduct described in this Count was undertaken with malice, willfulness and/or reckless indifference to the rights of others.

38. The misconduct described in this Count was further undertaken with deliberate disregard for South Holland Ordinances and/or other relevant Animal Control Policies, and with a deliberate indifference and in bad faith to the rights of citizens and with a callous disregard for

Plaintiff's rights.

39. As a result of the Defendant Officers' illegal seizure, Plaintiff suffered injury, including emotional anguish, pain, suffering, and expenses including emergency veterinary care for his dog Grady.

WHEREFORE, Plaintiff RANDY GREEN respectfully requests that the Court enter judgment in his favor and against Officer Barden and other unknown/unidentified members of the South Holland police, in their individual and official capacities, for damages in an amount deemed just, including attorneys fees, costs, and punitive damages where available by law, and for any other relief this Court deems just and appropriate under the circumstances.

**Count II – 42 U.S.C. Sec. 1983: Fourth Amendment Violation – Monell Claims
(Against the Village of South Holland)**

40. Each of the preceding Paragraphs is incorporated as if fully set forth herein.

41. As described in the preceding paragraphs, the conduct of South Holland Officers and in particular Officer Barden, acting under color of law, by shooting Plaintiff's dog and thereafter entering onto the curtilage of Plaintiff's home, constituted a search and seizure in violation of the United States Constitution.

42. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to Plaintiff's Constitutional rights.

43. The misconduct described in this Count was objectively unreasonable and was undertaken with malice, willfulness and reckless indifference to the rights of others.

44. The misconduct described in this Count was undertaken pursuant to a policy and practice of the Village of South Holland in that:

a. As a matter of both policy and practice, the Village of South Holland directly encourages, and is thereby the moving force behind, the very type of misconduct at issue

here by failing to adequately train, supervise and control its officers, such that its failure to do so manifests deliberate indifference;

b. Defendant the Village of South Holland is charged with duties including the promulgation and adoption of rules and regulations and general and special orders for the governance of the Village of South Holland Police and including the policies, procedures and practices described therein;

c. Upon information and belief, Defendant the Village of South Holland employs a policy maker for the Village of South Holland and office of the Village of South Holland Police Department in connection with the training and supervision of police officers regarding the use of force, which was excessive in this case;

d. At all times relevant to this Complaint, the Police Officers noted herein were acting under the direction and control of the policy maker for the Village of South Holland;

e. At all times relevant to this Complaint, and acting under color of law and pursuant to his/her policy-making authority for the Defendant Village of South Holland, the Village Official charged with policy making knowingly, recklessly, maliciously, or with a deliberate indifference and in bad faith to the rights of citizens and a callous disregard of Plaintiff's rights, failed to instruct, train, supervise, control and discipline on a continuing basis, Defendant Police Officers in their duties to refrain from the acts alleged in this Complaint;

f. The serious harm that occurred to Plaintiff was the obvious consequence of the official policy or custom of the Defendant the Village of South Holland in connection with their deliberately indifferent failure to train and supervise the Defendant Police Officer(s); and

g. As a direct and proximate cause of the above acts of Defendant the Village of South Holland, Plaintiff suffered damages in connection with the deprivation of his

constitutional and statutory rights guaranteed to him by the Fourth Amendment to the Constitution of the United States and protected by 42 U.S.C. Sec. 1983.

45. The misconduct described in this Count was specifically investigated by and found to be in compliance with the department's policies and procedures by Defendant Village of South Holland.

46. As a result of the Defendant Officers, and other unknown/unidentified Village of South Holland Officers' unjust seizure and search, Plaintiff has suffered injury, as well as emotional distress.

WHEREFORE, Plaintiff RANDY GREEN respectfully requests that the Court enter judgment in his favor and against Officer Barden and other unknown/unidentified members of the South Holland police, in their individual and official capacities, for damages in an amount deemed just, including attorneys fees, costs, and punitive damages where available by law, and for any other relief this Court deems just and appropriate under the circumstances.

**Count III – Trespass to Real and Personal Property (Conversion) - State Law Claim
(Against All Defendants and other Unknown/Unidentified Officers)**

47. Each of the preceding Paragraphs is incorporated as if fully set forth herein.

48. As described in the preceding paragraphs, the Defendant Officer Barden shot Randy Green's dog causing serious injury.

49. As described in the preceding paragraphs, the Defendant Officer Barden and/or other unknown/unidentified officers, without permission, entered onto Plaintiff's property, including the back yard and other private areas in the curtilage of Plaintiff's home.

50. The actions of Defendants, stated above, constituted an intentional and reckless unlawful interference with the personal property of Plaintiff without lawful authority to do so.

51. The actions of the South Holland Police Officers, stated above, constituted an

intentional and reckless entry on the land of Plaintiff without lawful authority to enter.

52. As a result of the trespass to real and personal property, Plaintiff suffered damages caused by the Defendant Village of South Holland.

WHEREFORE, Plaintiff RANDY GREEN respectfully requests that the Court enter judgment in his favor and against Officer Barden and other unknown/unidentified members of the South Holland police, in their individual and official capacities, for damages, including punitive damages where applicable by law, and for any other relief this Court deems just and appropriate under the circumstances.

**Count IV – Intentional Infliction of Emotional Distress - State Law Claim
(Against Defendant Barden)**

53. Each of the preceding Paragraphs is incorporated as if fully set forth herein.

54. The Defendant engaged in conduct resulting in the intentional infliction of emotional distress, including (1) extreme and outrageous conduct, (2) intent to inflict severe emotional distress or knowledge that there was a high probability that the conduct would do so, and (3) the conduct actually caused severe emotional distress.

55. As an officer of the law, Officer Barden was in a position of authority over Plaintiff.

56. Officer Barden knew or had reason to believe that the large grey dog sitting on the front porch of the Green residence belonged to someone at that home.

57. Officer Barden knew or had reason to believe that there was a high probability that shooting the large grey dog would cause severe emotional distress to the owner of the large grey dog.

58. As a direct and proximate cause of the actions of Officer Barden, Plaintiff suffered severe emotional distress, among other injuries.

WHEREFORE, Plaintiff RANDY GREEN respectfully requests that the Court enter judgment in his favor and against Officer Barden for damages, including punitive damages where applicable by law, and for any other relief this Court deems just and appropriate under the circumstances.

**Count V – Illinois Humane Care for Animals Act - State Law Claim
(Against Defendant Officer Barden)**

59. Each of the preceding Paragraphs is incorporated as if fully set forth herein.

60. The actions of the Defendant Officer Barden – by having shot Grady – were in violation of Illinois' Humane Care for Animals Act, 510 ILCS 70/16.3

61. Section 16.3 states as follows:

510 ILCS 70/16.3. Civil actions. Any person who has a right of ownership in an animal that is subjected to an act of aggravated cruelty under Section 3.02 or torture under Section 3.03 in violation of this Act or in an animal that is injured or killed as a result of actions taken by a person who acts in bad faith under subsection (b) of Section 3.06 or under Section 12 of this Act may bring a civil action to recover the damages sustained by that owner. Damages may include, but are not limited to, the monetary value of the animal, veterinary expenses incurred on behalf of the animal, any other expenses incurred by the owner in rectifying the effects of the cruelty, pain, and suffering of the animal, and emotional distress suffered by the owner. In addition to damages that may be proven, the owner is also entitled to punitive or exemplary damages of not less than \$500 but not more than \$25,000 for each act of abuse or neglect to which the animal was subjected. In addition, the court must award reasonable attorney's fees and costs actually incurred by the owner in the prosecution of any action under this Section.

The remedies provided in this Section are in addition to any other remedies allowed by law.

In an action under this Section, the court may enter any injunctive orders reasonably necessary to protect animals from any further acts of abuse, neglect, or harassment by a defendant.

The statute of limitations for cruelty to animals is 2 years.
(Source: P.A. 92454, eff. 1102.)

62. The Illinois' Humane Care for Animals Act defines aggravated cruelty in Section 3.02 as follows:

510 ILCS 70/3.02. Aggravated cruelty.

No person may intentionally commit an act that causes a companion animal to suffer serious injury or death. Aggravated cruelty does not include euthanasia of a companion animal through recognized methods approved by the Department of Agriculture.

A person convicted of violating Section 3.02 is guilty of a Class 4 felony. A second or subsequent violation is a Class 3 felony. In addition to any other penalty provided by law, upon conviction for violating this Section, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evaluation. If the convicted person is a juvenile or a companion animal hoarder, the court must order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

(Source: P.A. 92650, eff. 7/1/02.)

63. The actions of the Defendant Officer Barden caused Grady to suffer serious injury and therefore amounted to aggravated cruelty in violation of Illinois' Humane Care for Animals Act, 510 ILCS 70/3.02.

64. Officer Barden's shooting Grady *three* times served only to inflict excessive pain on the dog Grady.

65. Officer Barden was aware that Grady was still alive after Officer Barden shot Grady *three* times.

66. Officer Barden observed Grady run away from the Officer after Officer Barden shot Grady.

67. Officer Barden knew or had reason to believe that a dog would suffer pain after being shot multiple times.

68. Officer Barden did not attempt to capture the injured dog and did not escort Grady to an emergency veterinarian after Officer Barden shot Grady.

69. Officer Barden took no steps to alleviate Grady's pain following the time Officer Barden shot Grady.

70. Officer Barden's actions were not reasonable in light of the circumstances.

WHEREFORE, Plaintiff, RANDY GREEN, respectfully requests that this Court enter judgment in his favor and against Defendant Barden, in his official and individual capacity, for veterinary expenses incurred on behalf of Grady, any other expenses incurred by Plaintiff in rectifying the effects of the cruelty, pain, and suffering of Grady, and emotional distress suffered by Plaintiff. Plaintiff further requests additional relief in the form of punitive or exemplary damages of \$100,000 for each of the four acts of abuse or neglect to which the Grady was subjected as a result of 1) Officer Barden's shooting Grady three times and 2) Officer Barden's failure to procure immediate emergency care for Grady, in addition to reasonable attorney's fees and costs, for her damages in this case and any for any other relief this Court deems just and appropriate under the circumstances.

**Count VI – Malicious Prosecution - State Law Claim
(Against All Defendants)**

71. Each of the preceding Paragraphs is incorporated as if fully set forth herein.

72. Over a month after the shooting, on or about August 29, 2012, Officers from the South Holland Police Department dropped off a letter at Plaintiff's home, which letter stated that Plaintiff's "Cane Corso has been declared a dangerous dog pursuant to the Village of South Holland's Ordinance No. 2003-28, Article II, Section 5-32." See Exhibit 3, attached herein. This letter was dated July 25, 2012 and further states that Plaintiff may file a written request for a hearing to contest the declaration by no later than August 4, 2012 and if not filed, must comply

as of August 11, 2012. Both dates had passed prior to the date Plaintiff received the letter, over a month after its purported date.

73. On September 1, 2012, Plaintiff sent a written request to the Village Administrator asking for a hearing on the matter and stating that he did not intend to waive his request to a hearing on the declaration. Copies were also sent to the South Holland Police via facsimile. See, Group Exhibit 4, attached herein.

74. On September 14, 2012, the Attorney representing the Village of South Holland, Mr. Tim Lapp, from the law firm of Hiskes, Dillner, O'Donnell, Marovich & Lapp, Ltd., relayed that the Village would allow Mr. Green a hearing.

75. On October 10, 2012, a hearing was conducted before Hearing Officer Angelo J. Vitiritti wherein Mr. Green provided written and video evidence that contradicted the testimony of the Village Police Officers, as well as the analysis of the surveillance footage by an expert dog trainer who concluded that the dog did not act in an aggressive manner throughout the encounter, and further presented two witnesses to the events who testified there was no apparent reason for the officer to have shot Grady.

76. Mr. Lapp did not attend the October 10, 2012 hearing. Instead, witnesses' and evidence for the Village were introduced by Hearing Officer Vitiritti.

77. During the October 10, 2012 hearing, when Mr. Green requested the written evidence asserted by the Village, Mr. Green was denied copies by Hearing Officer Vitiritti.

78. The accompanying Officer indicated that Officer Barden had been investigated, but cleared of internal review by the South Holland Police Department because the dog had been declared "dangerous."

79. The shooting Officer Barden's testimony was inconsistent with the surveillance

footage.

80. The shooting Officer Barden further failed to credibly explain why – in the approx. twenty (20) minutes the officers stood outside of Mr. Green’s home - neither he nor the accompanying Officer obtained the dog catching poles that were in the trunks of each of their squad cars.

81. Upon information and belief, at the time the Officers testified, they were unaware that Mr. Green had surveillance footage showing the actions of Grady to be neither aggressive/menacing nor attacking.

82. Plaintiff was not made aware prior to the October 10, 2012 hearing and only later realized that the Village Hearing Officer, Mr. Angelo J. Vitiritti, is an attorney employed by the firm of Hiskes, Dillner, O’Donnell, Marovich & Lapp, Ltd. - the same firm that previously represented the Village on this same matter.

83. On October 16, 2012, the Village of South Holland issued a final determination that Mr. Green’s dog had been deemed dangerous pursuant to Village Ordinance. See, Exhibit 5, attached herein.

84. Mr. Green appealed the October 16, 2012 determination, which determination was reversed following extensive briefing by the parties and a hearing before the Court on May 8, 2013. See, Court Orders attached as Group Exhibit 6.

85. Upon information and belief, the Village of South Holland sought prosecution of Randy Green pursuant to Ordinance No. 2003-28, Article II, Section 5-32, to cover for the wrongful acts of South Holland Police Officers, to create undue expense to Randy Green, and to intimidate Randy Green in an attempt to prevent him from seeking redress for the wrongful acts of the South Holland Police Officers.

86. Defendants sought to prosecute Randy Green pursuant to South Holland Ordinance No. 2003-28, Article II, Section 5-32 with malicious intent and lack of probable cause.

87. Further to this, the Village of South Holland denied Randy Green due process and a fair administrative hearing by employing the same law firm to represent the Village and to serve as Hearing Officer in Randy Green's case.

88. The Village of South Holland's action against Randy Green pursuant to South Holland Ordinance No. 2003-28, Article II, Section 5-32 terminated in his favor on May 8, 2013.

89. By the actions detailed above, the Defendant Officer sought to and in fact did maliciously prosecute Plaintiff Randy Green on false charges for which they knew there was no probable cause.

90. As a direct and proximate result of this malicious prosecution, Plaintiff Randy Green experienced injuries and damages beyond the usual expense, time, or annoyance in defending lawsuit, including but not limited to the emotional distress and injury to reputation incurred by the actions of Defendants.

WHEREFORE, Plaintiff RANDY GREEN respectfully requests that the Court enter judgment in his favor and against Defendants for damages, including punitive damages where applicable by law, and for any other relief this Court deems just and appropriate under the circumstances.

**Count VII – Respondeat Superior
(Against the Village of South Holland)**

90. Each of the preceding Paragraphs is incorporated as if fully set forth herein.

91. In committing the acts alleged in the preceding paragraphs, Defendants were members of, and agents of, the Village of South Holland, acting at all relevant times within the

scope of their employment.

92. Defendant the Village of South Holland is liable as principal for all torts committed by its agents.

WHEREFORE, Plaintiff RANDY GREEN respectfully requests that the Court enter judgment in its favor and against Defendant the Village of South Holland in the amounts awarded to Plaintiff, excepting these damages specifically excluded for a municipality for which Plaintiff thereby seeks from the individual officer(s), and against Defendant Officer Barden and/or any other unknown/unidentified Village of South Holland Officers, and for each of them:

- a. An amount reasonably calculated to compensate Plaintiff for the shooting of his dog, Grady;
- b. An amount reasonably calculated to compensate Plaintiff for his emotional distress and loss of enjoyment of life;
- c. Punitive damages against any member of the Village of South Holland Officers acting in their individual capacity, in an amount to be determined by the trier of fact, for his/her intentional, outrageous, reckless and wanton and willful acts herein;
- d. Punitive damages against Village of South Holland Officer Barden acting in his individual capacity, in an amount to be determined by the trier of fact, for his/her intentional, outrageous, reckless and wanton and willful acts herein;
- e. The costs of this action, including attorney fees (where applicable) and expert fees as the court may deem just and equitable in this case;
- f. Interest on any amounts recovered, as provided by law; and
- g. Such further and other relief as the court deems just and appropriate under the circumstances.

JURY DEMANDED

Plaintiff hereby demands a trial by jury on all issues so triable.

DATED: June 24, 2013

Respectfully submitted,

/s/ Anna Morrison-Ricordati
Counsel for Randy Green

Anna Morrison-Ricordati
AMR Law Group, LLC
111 W. Washington St., Suite 1760
Chicago, Illinois 60602
anna@amrlawgroup.com
(312) 376-7660 Phone; (888) 376-7660 Fax

EXHIBIT 1

CANIS FAMILIARIS

Curtis Scott, Owner

773.865.6160

October 9, 2012

To Whom It May Concern:

I was asked to assess the behavior of Grady Green, a 2 year-old Cane Corso dog. His owner is Mr. Randy Green of 17201 Constance, South Holland, IL, 60473.

As an expert in the field of dog training and behavior counseling, I have more than 15 years experience in working with dogs and addressing behavioral concerns (www.canisfamiliaris.info). I specialize in working with and rehabilitating pit bulls and aggressive dogs. My expertise includes reading dog body language and I often give seminars to professionals and organizations on that subject. Throughout the years, I have worked as an advocate to end pit bull fighting in collaboration with Cease Fire, the Lake County Sheriff's Office and the Cook County Sheriff's Department, often times testifying in court as a professional witness. I was also asked to work with the Humane Society of the United States as part of their Pit Bull Training Team in an effort to stop urban dog fighting. Currently, I am a senior rehabilitation counselor at Found Chicago (www.foundchicago.org).

Ms. Anna Morrison-Ricordati, of AMR Law Group, LLC, provided me with a surveillance video from July 22, 2012, which involved the shooting incident of Grady Green on the owner's property. After careful review of the video it is my professional opinion that Grady should not be deemed a dangerous dog under the South Holland, Illinois, Code of Ordinances. My determination is based on the following:

Clip Number 4: Time marker; 21:50, Grady was near the officer and displayed no viscous behavior. If he was an aggressive dog he would have charged at that moment due to the officers close proximity to the dog.

Clip Number 4: Time marker; 21:50 to 22:03, Grady moved away from the officer creating a greater distance between the officer and himself in an effort to diffuse the situation. He was walking in a slow moving manner with soft body language and did not display any signs of aggression. He also turned his back away from the officer which shows a lack of viciousness.

Clip Number 4: Time marker; 22:04 to 22:35, Grady moved onto the porch area putting an even greater distance between the officer and himself than before. He remained still and calm and did not make any aggressive movements or display aggressive body language.

Clip Number 4: Time marker; 22:36, Grady was becoming nervous with the situation and displayed positive body language by moving toward the front door, hoping to escape from the situation.

Clip Number 4: Time marker; 22:37 to 25:54, Grady was on the porch for 3 minutes and 17 seconds before he runs toward the street.

Clip Number 4: Time marker; 27:16, Grady removes himself from officer number 1 and walks past officer number 2 and returns to the side yard.

Clip Number 4: Time marker; 27:27 to 27:49, Grady enters the grass next door on neighbor's property.

Clip Number 4: Time marker; 27:50 to 28:27, Grady comes back onto his property. He is curving his body, freezing his body, looking away from the officers and showing his flank. These are all calming signals which a dog displays when not in a position of attacking. The body language signs indicate that Grady is trying to remove himself and get away from the situation. Grady's mindset was that of a non-threatening situation. Dogs also use calming signals when they feel they are being threatened in order to diffuse the problem.

Clip Number 4: Time marker; 28:28 to 28:31, Grady trots down the driveway and goes off of surveillance view and is shot by a police officer, whom is still in view.

Since the onset of the video to the time Grady was shot, more than 30 minutes had elapsed. Grady was walking on and around the property and walked past the officer(s) in close proximity multiple times. The first time Grady walked past the officer, nothing happened. If he was an aggressive dog, he would have charged the officer at that time. Again, it is my professional opinion that Grady should not be deemed a dangerous dog South Holland, Illinois, Code of Ordinances based on the noted body language that Grady displayed throughout the incident.

Please do not hesitate to contact me at 773.865.6160 should you like to speak to me personally with regard to Grady and his body language.

Respectfully,



Curtis Scott

Owner, Canis Familiaris

Senior Rehabilitation Counselor, Found Chicago

EXHIBIT 2



CALUMET EMERGENCY VETERINARY CLINIC

150 W. LINCOLN HWY. SCHERERVILLE, IN 46375 (219) 885-0970

ESTIMATE - INVOICE - AUTHORIZATION

CASE NUMBER

87589

NAME

PET

SPECIES

SEX

M

F

TMC

FS

1. OFFICE

- ☐ Emergency
☐ Examination
☐ Recheck
☐ Transfer

2. MED SERVICES

- ☐ IV catheter
☐ Fluid set
☐ Extension set
☐ IV fluids
☐ IV pump
☐ SQ fluids
☐ Hospitalization
☐ Intensive care
☐ Isolation, per day
☐ Transportation
☐ Paracentesis
☐ Gastric lavage
☐ Urinary catheter
☐ FUS bath flush
☐ Chest drain
☐ CPR
☐ Oxygen (circle)
☐ Cage / mask / nasal
umbilical
☐ ECG monitor
☐ Blood pressure
☐ Cough pressure
☐ Wound prep
☐ Suture Cast
☐ Bandage

3. LABORATORY

- ☐ CBC
☐ PCVTS
☐ I-Ser
☐ Glucometer
☐ Platelet Count
☐ Coag Panel
☐ ACT
☐ Salivary glandulation
☐ Pancreas test
☐ Hepatic test
☐ FeLV/FIV test
☐ Urinalysis
complete
direct
☐ Gram stain
☐ Blood typing
☐ Chemistry Profile
☐ Culture Sensitivity
☐ Histopathology
☐ Urinalysis
☐ Cytology
in-house / on-site
☐ Fluorescent stain
☐ Schirmer tear test
☐ Fluid analysis
☐ Rabies testing
☐ Microscopy

4. PHARMACY

- ☐ Injections
☐ Medications for hospital
☐ Medications Dispensed
☐ Radiology
☐ Interpretation
☐ Films
☐ Views
☐ Bone/EPS
☐ Radiographs
☐ Anesthesia
☐ Sedation/Throat
☐ Reversal
☐ Anesthesia local
☐ Anesthesia general
☐ Anesthesia gas
☐ Induction chamber
mask

7. SURGERY/SUPPLIES

- ☐ Evis instruments
☐ Suture gloves
☐ Suture loops
☐ Suture box
☐ Suction
☐ Lip pads
☐ Surgery Room
☐ Monitors
☐ Surgery pack
☐ Cavity
☐ Wound dress
☐ Suture
☐ Skin staples
☐ Technician
☐ Induce anesthesia
☐ Admin. chemicals
☐ Anal glands
☐ Enema
☐ Clean ears
☐ Bath
☐ Nail trim
☐ E-collar
☐ Pin handle
☐ Formula
☐ Pinches
☐ Euthanasia
☐ Cremation Mass
☐ Cremation/mau
on selection

8. MISCELLANEOUS

- ☐ Technician
☐ Induce anesthesia
☐ Admin. chemicals
☐ Anal glands
☐ Enema
☐ Clean ears
☐ Bath
☐ Nail trim
☐ E-collar
☐ Pin handle
☐ Formula
☐ Pinches
☐ Euthanasia
☐ Cremation Mass
☐ Cremation/mau
on selection

ESTIMATE

PROCEDURE

ESTIMATE RANGE

Admission Examination	
Hospitalization	
Monitoring	
Fluid Therapy	
Medical Services	
Bandaging/Wound Care	
Laboratory	
Pathology	
Anesthesia	
Surgery	
Surgical Supplies	
DVM Tech Services	
Oxygen/CO	
Injections	
Medications	
Other	
ESTIMATE RANGE	500

AUTHORIZATION: The emergency clinic's doctors and staff are authorized by me to perform all diagnostic and therapeutic procedures that their judgement may dictate to be necessary for my pet's well-being and urgent medical needs. The preliminary medical plans have been discussed with me along with the attendant risks. I understand that no warranty has been made as to result or cure. For the duration of my pet's hospitalization I agree to call on a daily basis for a progress report. I understand that this estimate range is substantially broad (two times the lower end of the estimate) to anticipate unforeseen problems that may occur with an emergency case. I understand this is only an estimate and I agree to be responsible for the final charges based on actual procedures performed. A deposit for the lower end of the estimate is required for hospitalized patients. I understand that I am required to pick up my pet no later than 12 hour before closing (generally by 7:30 am Mon through Sat. I will incur additional charges if I do not pick up my pet before the clinic closes.

Signature of Owner or Agent

Date

Hours: Mon.-Fri.: 6:00 pm-8:00am
Sat.: noon until Mon 8:00 am
Holidays only: 24 hours

Pick up time is: Signed:

Payment is due in full at the time of service.

We are not responsible for any items left at the clinic.

INVOICE

TOTAL MEDICAL CHARGES

DEP 1 Cash Check # V/MC/DC AMEX

DEP 2 Cash Check # V/MC/DC AMEX

TOTAL CHARGES LESS DEPOSITS

PAID 1 Cash Check # V/MC/DC AMEX

BALANCE DUE

**Munster Animal Hospital**

www.munsteranimal.com
 10421 Calumet Ave.
 Munster, IN 46321
 (219) 924-0101

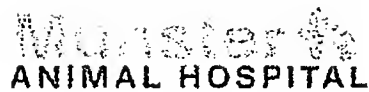
Page 1 / 1

Randy Green
 17201 Constance
 South Holland, IL 60473

Client ID: 98
 Invoice #: 409947
 Date: 7/27/2012

Patient ID: 320		Species: Canine	Weight: 137.00 pounds	
Patient Name: Grady		Breed: Cane Corso	Birthday: 11/22/2010	Sex: Male
	Description	Staff Name	Quantity	Total
7/27/2012	Office Visit	James Lovick, DVM	1.00	\$48.00
	Domitor/ Butorphanol Sedation		1.00	\$0.00
	Domitor Injectable		1.60	\$32.05
	Antisedan Injectable		1.50	\$30.05
	Baytril 136mg Taste Tab		27.00	\$134.46
	Tramadol 50mg		24.00	\$13.00
Patient Subtotal:				\$257.56
Invoice Total:				\$257.56
Total:				\$257.56
Balance Due:				\$257.56
Previous Balance:				\$0.00
Balance Due:				\$257.56
Visa:				(\$257.56)
Less Payment:				(\$257.56)
Balance Due:				\$0.00

We appreciate your patience while we are learning to use our new computer system.
 This will allow us to better meet the needs of you and your pets.



Munster Animal Hospital
 www.munsteranimal.com
 10421 Calumet Ave.
 Munster, IN 46321
 (219) 924-0101

Page 1 / 1

Randy Green
 17201 Constance
 South Holland, IL 60473

Client ID: 98
 Invoice #: 410991
 Date: 8/6/2012

Patient ID: 320		Species: Canine	Weight: 133.00 pounds	
Patient Name: Grady		Breed: Canine Corso	Birthday: 11/22/2010	Sex: Male
	<u>Description</u>	<u>Staff Name</u>	<u>Quantity</u>	<u>Total</u>
8/6/2012	Physical Exam - Recheck	Sarah Withey, DVM	1.00	\$32.00
	Domitor Injection		1.00	\$0.00
	Domitor Injectable		1.60	\$32.05
	Injection Fee		1.00	\$31.00
	Antisedan Injection		1.00	\$52.05
	Antisedan Injectable		1.60	
	Injection Fee		1.00	
	Baytril 136mg Taste Tab		36.00	\$179.28
	Tramadol 50mg		42.00	\$13.00
	Canine Greenies Pill Pockets Capsules		1.00	\$8.64 T
Patient Subtotal:				\$348.02
Invoice Total:				\$348.02
Default Tax Rate:				\$0.60
Total:				\$348.62
Balance Due:				\$348.62
Previous Balance:				\$0.00
Balance Due:				\$348.62
Visa:				(\$348.62)
Less Payment:				(\$348.62)
Balance Due:				\$0.00

**Munster Animal Hospital**

www.munsteranimal.com
10421 Calumet Ave.
Munster, IN 46321
(219) 924-0101

Page 1 / 2

Randy Green
17201 Constance
South Holland, IL 60473

Client ID: 98
Invoice #: 412070
Date: 8/16/2012

Patient ID: 320	Species: Canine	Weight: 133.00 pounds
Patient Name: Grady	Breed: Cane Corso	Birthday: 11/22/2010 Sex: Male

	Description	Staff Name	Quantity	Total
8/16/2012	Anesthesia (Inhaled) Administration & Mo	John Young, DVM	1.00	\$0.00
	Operating Room Supplies		1.00	\$0.00
	Operating Room Equipment		1.00	\$0.00
	Disposable Sterile Gloves Drapes & Mask		1.00	\$0.00
	Presurgical Sedative		1.00	\$0.00
	Anesthesia Administration and Monitoring		1.00	\$86.00
	ECG & Non-Invasive Blood Pressure Mon		1.00	\$0.00
	Technical Assistance (Preparatory & Moni		1.00	\$0.00
	Nail Trim		1.00	\$0.00
	Biomedical Waste Disposal		1.00	\$0.00
	Digital Radiography		1.00	\$60.00
	Surgery - Minor		2.00	\$214.00
	Hospital Care Observation for the Day		1.00	\$36.00
	Simplicef 200mg		21.00	\$81.90
	Rimadyl 100mg Caplet		14.00	\$23.66
	Canine Greenies Pill Pockets Capsules		2.00	\$17.28 T
	Patient Subtotal:			\$518.84

Reminder

10/28/2012 Fecal Examination
Bordetella Injectable Vaccine
04/28/2013 Heartworm Antigen Test
Rabies Vaccine - 1 year
Canine Distemper/Leptospirosis Combo Vac

Invoice Total:	\$518.84
Default Tax Rate:	\$1.21
Total:	\$520.05
Balance Due:	\$520.05
Previous Balance:	(\$300.00)
Balance Due:	\$220.05
Visa:	(\$520.05)
Less Payment:	(\$520.05)
Change Given:	\$300.00
Balance Due:	\$0.00

We appreciate your patience while we are learning to use our new computer system.
This will allow us to better meet the needs of you and your pets.

EXHIBIT 3

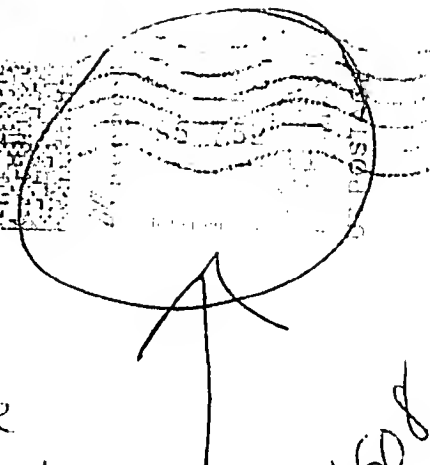


**SOUTH HOLLAND
POLICE DEPARTMENT**
16220 Wausau Avenue
South Holland, IL 60473

PLACE STAMP
HERE
CERTIFIED MAIL



7003 0500 0002 1386 3288



Randy T. Green
17201 Constance Ave
South Holland, IL 60473

1/16
DECLAINED
8-1

S12-14508

60473362801



TURN AT TOP OF ENVELOPE TO THE RIGHT
DO NOT ADDRESS / FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.Print your name and address on the reverse so that we can return the card to you.Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature X</p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Randy T. Green 17201 Constance Ave. South Holland, IL 60473</p>		<p>B. Received by (Printed Name)</p>	
		<p>C. Date of Delivery</p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>7003 0500 0002 1386 3288</p>	
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1546	

8/29/2012 SH Police Drop off

8/29/2012
SH Police Drop off



SOUTH HOLLAND POLICE DEPARTMENT

WARREN MILLSAPS, CHIEF

16220 Wausau Avenue • South Holland, IL 60473
Phone 708.331.3131 • Fax 708. 333.8396

7/25/2012

Randy T. Green
17201 Constance Ave.
South Holland, IL 60473

Via CERTIFIED MAIL
Return Receipt Requested

Dear Randy T. Green,

Your Cane Corso has been declared a dangerous dog pursuant to the Village of South Holland's Ordinance No. 2003-28, Article II, Section 5-32. The dog was barking and charging. In order to keep your dangerous dog within the corporate limits of the Village, you must comply with the following:

1. **CONFINEMENT.** All dangerous dogs must be securely confined indoors or in an enclosed and locked pen or structure upon your premises. The pen or structure must have minimum dimensions of five (5) feet by ten (10) feet, and must have secure sides and a secure top attached to the sides. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two feet. Compliance due by 8/11/12.
2. **LEASH/MUZZLE.** You must not allow your dangerous dog to go outside its kennel, pen or structure, unless the dog is muzzled, restrained by a chain or leash not more than three (3) feet long, and under the physical control of a person capable of restraining the dog and obedient to that person's commands. Immediate compliance upon receipt of declaration required.
3. **SIGNS.** You must display a clearly visible warning sign, in a prominent place on your premises, indicating that there is a dangerous dog on the premises. The sign must be legible from the public streets or thoroughfares upon which your property adjoins. You must also display a sign with a symbol warning children of the presence of a dangerous dog. Exact or similar signs must be posted on the dog's kennel, pen or enclosed structure. These signs must be posted no more than 24 hours after receipt of declaration.

Page 2
7/25/2012

4. **INSURANCE.** You must maintain public liability insurance providing a minimum amount of one hundred thousand dollars (\$100,000) of coverage, insuring for any damage or personal injury, which may be caused by your dangerous dog. You must provide proof to the Village Clerk that you possess the required insurance. Upon request of the Village, you may be required to present proof of insurance, upon occasion, demonstrating that you are maintaining the insurance. Compliance is due by 8/24/2012 .
5. **NOTICE OF CHANGE OF STATUS.** You must notify the South Holland Police Department immediately upon learning that the dangerous dog is unconfined or on the loose, or if the dog has attacked a human being or domestic dog.
6. **NOTICE OF CHANGE OF OWNERSHIP.** If you give away or otherwise transfer custody or ownership of the dangerous dog, you must, within three (3) days of the sale or transfer, provide the Police Department with the name, address and telephone number of the dangerous dog's new owner or custodian. You must notify the new owner or custodian of the dog's designation as a dangerous dog. If the new owner or custodian resides or keeps the dog within the corporate limits of the Village of South Holland, you must inform the new owner or custodian of the requirements and conditions for keeping a dangerous dog as established by Ordinance.
7. **IDENTIFYING MICROCHIP IMPLANTED IN DOG.** Your dangerous dogs shall have a microchip implanted its skin by 8/5/2012 by a licensed veterinarian. The microchip shall be required to identify the owner of the dog by name, address and telephone number. You will be responsible for the cost of the microchip and the procedure to implant the microchip of the dangerous dog.

You can file a written request for a hearing to contest this declaration. Such request must be filed by 8/4/12 and mailed to the Village Administrator at 16226 Wausau Avenue, South Holland, IL 60473. If you do not file a request, you waive your right to a hearing on the declaration and must comply as of 8/11/12 with all of the requirements and conditions of maintaining a dangerous dog as set forth above.

The Village's Animal Control Officer or his designee shall conduct monthly compliance checks. If you fail to comply with these requirements, the Village of South Holland may order the impoundment and destruction of your dangerous dog. If impoundment and destruction is ordered, you can request, in writing within seven (7) days of being notified of such order, a hearing on the impoundment or recommended destruction.

If you fail to comply with any of the provisions of this Chapter 5, Article II for which no penalty is otherwise provided; you will be guilty of a petty offense for a first and second

Page 3
7/25/2012

offense and will be fined no less than one hundred dollars (\$100.00) and nor more than five hundred dollars (\$500.00). For a third or subsequent offense within one year of the first offense, you will be guilty of a Class C misdemeanor and will be fined no less than two hundred dollars (\$200.00) and no more than one thousand dollars (\$1,000.00) or imprisoned for more than thirty (30) days, or both. Each occurrence of a violation or noncompliance must be deemed a separate offense.



Deputy Police Chief Robert Stegenga
Animal Control Officer

Cc: P. Mahon, Village Administration

EXHIBIT 4

September 1, 2012

South Holland Police Department

VIA Fax: 708-333-8396 (SHPD)

VIA Fax: 708-210-1019 (Village Administrator)

Dear South Holland Police Department:

Enclosed please find the documents that were delivered to my home on August 29, 2012. All the dates were expired prior to the time I received the documents. I am asking you to re-issue the notice with dates that have not expired so that I may file a written request for a hearing to contest the declaration.

I am also faxing and mailing a copy of this request to the Village Administrator at 16226 Wausau Avenue, South Holland, IL 60473 because I do not intend to waive my request to a hearing on the declaration.

Sincerely,

Randy T. Green

17201 Constance Ave.

South Holland, IL 60473



SOUTH HOLLAND POLICE DEPARTMENT

WARREN MILLSAPS, CHIEF

16220 Wausau Avenue • South Holland, IL 60473
Phone 708.331.3131 • Fax 708.333.8396

7/25/2012

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17201 Constance Ave.
South Holland, IL 60473

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3. **SIGNS.** You must display a clearly visible warning sign, in a prominent place on your premises, indicating that there is a dangerous dog on the premises. The sign must be legible from the public streets or thoroughfares upon which your property adjoins. You must also display a sign with a symbol warning children of the presence of a dangerous dog. Exact or similar signs must be posted on the dog's kennel, pen or enclosed structure. These signs must be posted no more than 24 hours after receipt of declaration.

Page 2
7/25/2012

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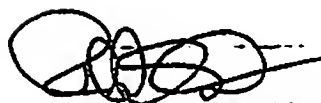
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Page 7
7/25/2012

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Deputy Police Chief Robert Stegenga
Animal Control Officer

Cc: P. Mahon, Village Administration

EXHIBIT 5



VILLAGE OF SOUTH HOLLAND

• www.southholland.org

MUNICIPAL HALL 16226 Wausau Avenue • South Holland, Illinois 60473
708-210-2900 FAX: 708-210-1019

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October 16, 2012

**SENT VIA CERTIFIED MAIL,
RETURN RECEIPT REQUESTED,
AND FIRST CLASS MAIL**

Mr. Randy T. Green
17201 Constance Avenue
South Holland, Illinois 60473

**RE: Dangerous Dog Hearing
Hearing Date: October 10, 2012**

Dear Mr. Green:

You filed a written request to contest the declaration that your Cane Corso had been declared a dangerous dog pursuant to the Village of South Holland's Ordinance No. 2003-28, Article II, Section 5-32.

I conducted a hearing on October 10, 2012, at which oral and written evidence was presented. I have reviewed all of the evidence presented at the hearing, including written and video evidence. I also reviewed the oral testimony from the hearing. After reviewing all of the evidence, I agree with the previous finding that your dog is dangerous as defined by Village Ordinance. As such, you must comply with the requirements for keeping a dangerous dog within the corporate limits of the Village, as outlined in the letter dated July 25, 2012 from Deputy Police Chief Robert Stegenga, a copy of which is enclosed.

The Village's Animal Control Officer or his designee shall conduct monthly compliance checks. If you fail to comply with these requirements, the Village of South Holland may order the impoundment and destruction of your dangerous dog.



Mr. Randy T. Green
October 16, 2012
Page Two

If impoundment and destruction are ordered, you can request, in writing within seven (7) days of being notified of such order, a hearing on the impoundment or recommended destruction.

Very truly yours,

Angelo J. Vitiritti
Hearing Officer
Village of South Holland

AJV/cc
c: Patricia Mahon
Anna E. Morrison-Ricordati

EXHIBIT 6

Order

(2/24/05) CCG N002

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Brenda Green

Plaintiff

v.

No. 12 M6 3742Village of South Holland, et al.

Defendants

ORDER

This matter coming to be heard on the first status of Plaintiff's Complaint in Administrative Review, counsel for the Plaintiff being present and the Court being fully apprised of the matter, IT IS HEREBY ORDERED:

1. Ex parte judgment in Default is entered against the South Holland defendants and in favor of Plaintiff, and
2. The matter is set for pick-up on December 6, 2012 @ 9:00 am in Room 209, copies of this order to be mailed to Defendants by Plaintiff

Atty. No.: 44805

Judge Martin D. Coghlan

Name: Anna Mercusio-Riccardi / AMR Law Group, LLC

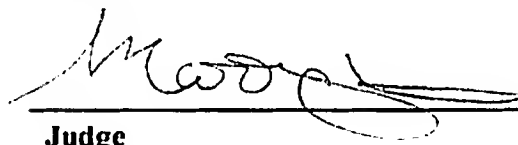
ENTERED: NOV 25 2012

Atty. for: Plaintiff

Circuit Court - 1940

Address: 111 W. Washington St., Ste. 1740

Dated: _____

City/State/Zip: Chicago, IL 60602


Judge

Judge's No.

Telephone: 312-376-7660

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Order

(2/24/05) CCG N002

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Randy Brown

v.

No. 12-mb-3742Village of South Holland, et al.

ORDER

This matter coming to be heard on the status of the case, on the parties motions, and on the Nov 26, 2012 Order of Default, Counsel for the parties being present and the Court being fully apprised of the matter, IT IS HEREBY ORDERED:

1. Defendants Motion to Vacate is granted and Plaintiffs Motion to Clarify Certain Statements of Recitals can be presented to Counsel and the Court for inclusion in the Court file record;
2. Defendants shall provide the answer to Plaintiffs Counsel and the Court instantly;
3. Plaintiff is granted 28 days, or until January 3, 2013 to prepare the Specification of Errors, Defendants are granted 28 days or until January 31, 2013 to Respond and Plaintiff is granted 28 days to Reply, or until February 28, 2013;
4. The matter is set for hearing on March 5, 2013 @ 9:00am in Rm 209

Atty. No.: 44805Name: Anna Morrison-Riccardi / AMR Law Group, LLC

ENTERED:

Atty. for: PlaintiffAddress: 11 W. Washington St., Ste. 1760Dated: DEC 06 2012City/State/Zip: Chicago, IL 60602Telephone: 312-376-7660

Judge

Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Order

(2/24/05) CCG N002

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

GREEN

v.

No. 12-mc-003742SOUTH HOLLAND, et al

ORDER

This matter coming to be heard on the Plaintiff's Complaint in Administrative Review and per the Court's 12-06-12 Order, Counsel for ^{the} parties being present and the Court being fully apprised of the matter IT IS HEREBY ORDERED

1. Over Plaintiff's objections to further delay the Court granted Defendants oral request for two weeks time to ~~see~~ file a ^{*}sur-response to Plaintiff's reply ^(concerning conflicts of interest only) to be filed and sent to ~~counsel~~ counsel for Plaintiff via e-mail on or before March 19, 2013
2. Plaintiff shall have one week thereafter to file a sur-reply to the Defendants' sur-response to be filed and sent to counsel for Defendant via e-mail on or before March 26, 2013
3. This matter is rescheduled for hearing on Wednesday April 3, 2013 @ 11:00 am in Room 209; Courtesy copies to be sent by Plaintiff.

Atty. No.: 44805Name: Anna Morrison Ricardoli / AMR Law Group, LLCAtty. for: Plaintiff (Green)Address: 111 W. Washington St., Ste. 1760City/State/Zip: Chicago, IL 60602Telephone: 312-376-7660

ENTERED:

ENTERED
Sixth Municipal District
Circuit Court of Cook County

Dated: MAR 05 2013

Assoc. Judge THOMAS J. CONNOR-211

Judge

Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Copy Distribution - White: 1. ORIGINAL - COURT FILE Canary: 2. COPY Pink: 3. COPY

Order/Motion Call (This form replaces CCM1 0642)

CCM N624-5M-3/08/05(43480658)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

SIXTH MUNICIPAL DISTRICT

LINE NO. _____

RANDY GREEN

v.

Village of South HollandNo. 12-016-3742

MOTION CALL ORDER

Present before the Court: ☒ Plaintiff(s) ☐ Defendant(s) ☐ Plaintiff(s)' Counsel ☐ Defendant(s)' Counsel

THIS MATTER having come before the Court, the Court having jurisdiction and being fully advised,

IT IS HEREBY ORDERED that the Motion:

- 4902 ☐ to Vacate DWP of _____ is GRANTED.
 5902 ☐ is DENIED.
- 4902 ☐ to Vacate Default Judgment of _____ is GRANTED,
 4482 ☐ and this case is set for Trial on _____, _____ at _____ a.m./p.m. in Rm. _____
 4482 ☐ for Status on _____, _____ at _____ a.m./p.m. in Rm. _____
- 5902 ☐ to Vacate the Default Judgment of _____ is DENIED.
 4902 ☐ to Vacate the Dismissal of _____ is GRANTED,
 and case is reinstated; Judgment for _____
- 4001 ☐ in the amount of \$ _____.
- 4384 ☐ to Vacate Installment Order of _____ is GRANTED, Judgment to stand.
 4280 ☐ for Summary Judgment in favor of _____ is GRANTED.
 5280 ☐ is DENIED.
 4226 ☐ to Dismiss as to Defendant _____ is GRANTED.
 5226 ☐ is DENIED.
- () ☐ Motion to/for _____ is CONTINUED
 () ☒ for HEARING at 11:00 a.m./p.m. on April 24, 2013 in Rm. 209
 () ☐ with the following briefing schedule:
All matters fully briefed and courtesy copies earlier provided, set for
hearing before Judge Corrado 04-24-13 @ 11:00 am
- () ☐ Judgment is entered in favor of the Plaintiff _____ and against
 the Defendant _____ in the sum of \$ _____ plus court costs.
 () ☐ _____
 () ☐ See Attached Order: _____

Atty. No.: 44805Name: Bruce M. Minion - Recantelli / Mark Lawton, LLCAtty. for: PlaintiffAddress: 111 W. Washington St., Ste. 1760City/State/Zip: Chicago, IL 60602Telephone: 312-374-7660

ENTERED:

Judge Tommy Brewer

APR 03 2013

Dated:

Circuit Court - 2042

Brewer # 2042

Judge

Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

GREEN

v.

No. 12-MH-3742

11:00 am, Rm 209

SOUTH HOLLAND

ORDER

This matter coming to be heard on Plaintiff's Complaint in Administrative Review, the matter having been fully briefed, argued for the parties being present and the Court being fully apprised of the matter.

IT IS HEREBY ORDERED:

1. The Court having heard arguments, has continued the matter to May 8, 2013 @ 11:00 am in Rm 209 for ruling.

Atty. No.: 44805Name: Anna Morrison-R. Cordal / AMR Law Group, LLC

ENTERED:

Atty. for: PlaintiffAddress: 411 W. Washington St., Ste. 1760

Dated: _____

City/State/Zip: Chicago IL 60602

Judge _____

Judge's No. _____

Telephone: 312-376-7660

ENTERED
Sixth Municipal District
Circuit Court of Cook County

APR 24 2013

Issued by Judge THOMAS J. CONDON-21

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Order

(Rev. 9/13/04) CCG 0002

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Randy Green

v.

No. 12-MC-3742
line - 11:00 am

SOUTH HOLLAND, et al.

ORDER

This matter coming to be heard before the Court for ruling on Plaintiff's Complaint in administrative review, Counsel for the parties being present and the Court being fully apprised of the matter,
IT IS HEREBY ORDERED:

The order of October 10, 2012 is hereby
REVERSED and a finding of not dangerous is entered for
the dog Grady.

Atty. No.: 114805

Name: Anna Morrison-Riverdale / AMR Law Offices

Atty. for: Plaintiff

Address: 111 W. Washington St., Ste. 1740

City/State/Zip: Chicago, IL 60602

Telephone: 72-376-7660

ENTERED:

Judge

ENTERED
Sixth Municipal District
Circuit Court of Cook County

MAY 08 2013

Assoc. Judge THOMAS J. CONDON-21

Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS